

98. (Once Amended) A method for conducting electrochemiluminescence measurements for a binding analyte-of-interest comprising the steps of:

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conc'l
- (a) forming a complex comprising
 - (i) said analyte,
 - (ii) said microparticle of claim 78, said microparticle having one or more copies of an assay-ligand immobilized on its surface, and
 - (iii) an assay-ligand immobilized on an electrode; and
 - (b) conducting an electrochemiluminescence measurement at said electrode in the presence of electrochemiluminescence reactants.
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c2

99. (New) The microparticle of claim 78, further comprising one or more copies of an assay-ligand immobilized on its surface.

REMARKS

Claims 78-99 are currently pending. Claims 97 and 98 have been amended to depend from claim 78. Applicants have also added new claim 99, which also depends from claim 78. Thus, all of these claims are related to the same subject matter.

Applicants have elected, with traverse, the claims of Group I (i.e., claims 78-97) for prosecution on the merits. It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn.

In view of the fact that the present claims are all related to the same subject matter, it is submitted that a search of the prior art when examining the elected claims of Group I (claims 78-97) would, at the same time, result in a search of the prior art when examining the claim of Group II (claim 98). These claims are all directed to microparticles comprising a core and electrochemiluminescent moieties within said core, and the use thereof. Moreover, claim 98 has been amended to depend upon claim 78, and therefore fully includes the limitations of claim

78. It would seem, then, that to require the filing of a separate divisional application directed to the Group II claim would result in the very same search being repeated, but at a later date. It is submitted that this duplicate search would be quite inefficient to the operation of the Patent and Trademark Office. Therefore, withdrawal of this particular restriction requirement is respectfully requested.

Additionally, it is believed that a search of a compound would also encompass a search for methods using the same. Therefore, Applicants respectfully submit that this aspect of the restriction is also improper and should be withdrawn.

Therefore, since a single search can be performed for all Groups of claims without any significant burden on the Patent Office, it is respectfully requested that the restriction requirement be withdrawn.


No new matter has been added.

If there are any issues which would remain to prevent this application from proceeding to allowance, the Examiner is respectfully requested to contact the Applicants' undersigned attorney to discuss the matter.

No fee is believed due. The Commissioner is authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0540.

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EXHIBIT A

MARKED UP VERSION OF AMENDED CLAIMS 97 AND 98

(Additions underlined, deletions bracketed)

97. (Once Amended) An assay composition comprising the microparticle of claim [1] 78 and at least one assay component selected from the group consisting of electrochemiluminescence co-reactant and binding reagent.

98. (Once Amended) A method for conducting electrochemiluminescence measurements for a binding analyte-of-interest comprising the steps of:

- (a) forming a complex comprising
 - (i) said analyte,
 - (ii) [a] said microparticle of claim 78, said microparticle[comprising a core and electrochemiluminescent moieties within said core and] having one or more copies of an assay-ligand immobilized on its surface[;], and
 - (iii) an assay-ligand immobilized on an electrode[.]; and
- (b) conducting an electrochemiluminescence measurement at said electrode in the presence of electrochemiluminescence reactants.